

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **Case No. 10-3048-01-CR-S-RED**
)
CLARK WAYNE KIRKMAN,)
)
Defendant.)

ORDER

Before the Court are the Report and Recommendation of the United States Magistrate Judge (Doc. 35) and Defendant's Exceptions to the Report and Recommendation of the United States Magistrate Judge (Doc. 36). After careful and independent review of the Report and Recommendation, the record, including the transcript of the competency hearing, the reports concerning Defendant's mental competency prepared by Doctor Kent W. Franks, and Psychology Intern Shannon Maney Correia and Staff Psychologist Christina A. Pietz, and Defendant's exceptions, this Court agrees with and **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Doc. 35) in full and finds that Defendant is mentally competent to stand trial. The Court **DENIES** Defendant's request, contained in his exceptions, to order Defendant committed to the custody of the Attorney General, pursuant to 18 U.S.C. § 4241(d).

IT IS SO ORDERED.

DATED: April 4, 2011

/s/ Richard E. Dorr
RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT